

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MADELINE MORAN SANTIAGO  
DEBTOR

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\* CASE NO. 13-04205 ESL  
\* CHAPTER 13  
\*

IN RE:

JORGE LUIS FERNANDEZ MEDINA  
DEBTOR

\*

\* CASE NO. 14-00282 ESL  
\* CHAPTER 13  
\*

**JOINT MOTION REQUESTING ORDER RE: WITHDRAWAL OF  
*JOINT MOTION FOR ORDER OF SUBSTANTIVE CONSOLIDATION***

TO THE HONORABLE COURT:

NOW COME, **MADELINE MORAN SANTIAGO and JORGE LUIS FERNANDEZ MEDINA**, debtors in case no. 13-04205 ESL13 and case no. 14-00282 ESL13, respectively, through their undersigned attorney, and very respectfully state, pray and request as follows:

1. On February 25, 2014, the debtors filed a *Joint Motion for Order of Substantive Consolidation*, docket no. 41 (13-04205 ESL13) and docket no. 9 (14-00282 ESL13), whereby the debtors requested a substantive consolidation of both Chapter 13 cases.
2. After discussing the above captioned motion for consolidation at the February 26, 2014, 341 meeting of creditors for case 14-00282 ESL13, Presided by Attorney Nannette Godreau, Esq., from Jose Ramon Carrion Morales Chapter 13 Trustee's Office, an issue arose concerning the debtors' applicable "commitment period". 11 U.S.C. Section 1325(b)(4).

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3. Pursuant to Section 1325(b)(4), 11 U.S.C. Section 1325(b)(4), debtor Jorge Luis Fernandez Medina ("Fernandez") is an "above median income" debtor and as such has an "applicable commitment period" of sixty (60) months.

4. Considering that the Fernandez's case was filed on January 18, 2014, and the case of Madeline Moran Santiago ("Moran") was filed on May 23, 2013, it seems that consolidating case 14-00282 with case 13-04205 will raise a legal issue with respect to the "applicable commitment period" in the Fernandez case.

5. The issue stems from the legal standpoint that the Fernandez's case cannot be for less than sixty (60) months and the Moran's case could not be extended for more than sixty (60) months. (Moran's case is at month ten (10) of her proposed sixty (60) months Plan).

6. Based on the aforementioned, the debtors respectfully request that the Court enter an Order withdrawing the debtors' *Joint Motion for Order of Substantive Consolidation*, docket no. 41 (13-04205 ESL13) and docket no. 9 (14-00282 ESL13), to allow each case to be handled separately.

**WHEREFORE**, the debtors respectfully request this Honorable Court grant the present motion and Order the withdrawal of debtors' *Joint Motion for Order of Substantive Consolidation*, docket no. 41 (13-04205 ESL13) and docket no. 9 (14-00282 ESL13).

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I hereby certify that a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of the same to: the Chapter 13 Trustee Alejandro Oliveras Rivera, Esq. and to the Chapter 13 Trustee Jose Ramon Carrion Morales, Esq.; and to all CM/ECF participants; I also certify that a copy of this motion was sent via US Mail to: Jorge Luis Fenandez Medina and Madeline Moran Santiago, PO Box 047 San Lorenzo PR 00754.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 20<sup>th</sup> day of March, 2014.

/s/Roberto Figueroa Carrasquillo  
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